

# About Adult Protective Services (APS)



# ADULT PROTECTIVE SERVICES

- Legislation 1962
- Delaware Code, Title 31, Chapter 39
- Established 1982
- Department of Health and Social Services
- Move to Office of the Secretary in 2011
- Designated Agency
- Mandated

# Title 31

## Chapter 39. Adult Protective Services

- Improve or maintain the quality of life for Delaware citizens who are
  - Elderly (62+) or
  - at least 18 years of age and have a physical or mental disability.
  - A System of services for impaired adults designed to protect their health, safety and welfare.
  - Intent: authorize only the *least possible restrictions* of personal and civil rights.

# DHSS Office of the Secretary

## Adult Protective Services

**Mission:** Ensure the safety and well being of elderly and adults with physical disabilities who are in danger of being mistreated and unable to protect themselves.

### Ethical Principals

#### Agency

Treat with respect honesty

Every action taken by APS staff must balance safety versus right to self-determination

Advocate for the interest of client

Informed consent before any intervention

Use least restrictive community based service

Maximize Independence

#### Client

Has the right to be safe

Has the right to refuse services, regardless of level of risk

Presumed to have capacity unless adjudicated by Court

Right to make decisions that do not conform to the societal norms, as long as they do no harm to others

Be included in case planning

Confidentiality

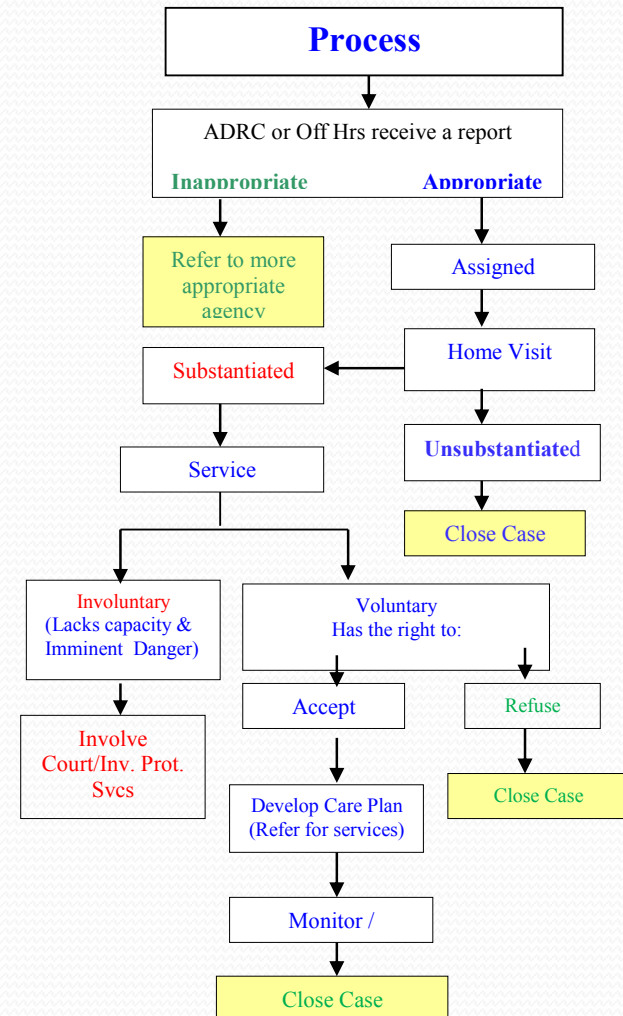
### Services

- Clients living in community
- Specific criteria (Over 18, unable to care for themselves, subject to abuse, neglect, or financial exploitation, disability)
- Voluntary or involuntary
- Referrals for medical care, legal assistance, supportive services, transportation assistance, financial management, home health services, mental health, emergency shelter, etc.
- 25 years of service delivery

### Intervention

- Designated agency to receive and/or investigate reports of alleged abuse or neglect
- Mandated by DE law
- Eight full time Senior Social Worker Case Managers
- Assess client risk
- Assess client's capacity to understand
- Response time is prioritized (24 hours to 5 days)

### Process



**Report Suspected Abuse: 1 800 223-9074**

**E-mail: [DelawareADRC@state.de.us](mailto:DelawareADRC@state.de.us)**

**Telecommunications Device for the Deaf (TDD) only:  
(302) 391-3505 or (302) 424-7141**

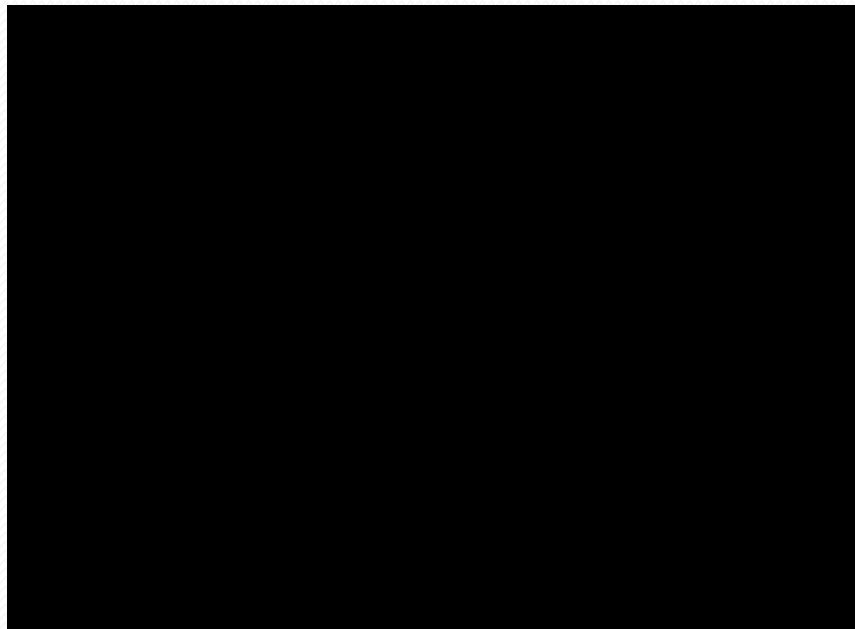
# Adult Protective Services Balances

- Legislative Intent

Protect Impaired adults because of physical or mental disability, is substantially impaired.

- Guiding Value

Every action taken by APS must balance the duty to protect the safety of the vulnerable adult with the adult's right to self-determination.



Protection

VS

Self-Determination

# Purpose

- These adults are known as “at-risk adults” because :
  - They are unable to protect themselves; and/or
  - They are unable to perform or arrange for services that will help them to protect their health and safety. For example they may be unable to obtain medical treatment, financial assistance, meals, or home health assistance; and/or
  - They lack sufficient understanding or lack the capacity to make or communicate decisions that keep them safe and healthy.
- Authorizes least possible restrictions on personal and civil rights
- Permitted only when consistent with proven need for services

# Investigations Mandated By Law

- Physical Abuse
  - Necessarily inflicting pain or injury on an adult who is impaired.
- Neglect by caregiver
  - Physical needs
  - Medical needs
  - Intentional and permanent abandonment
- Exploitation (Sexual & Financial)
  - Illegal or improper use or abuse of an infirm person, his resources or his rights, whether for profit or other advantage.

# Other Investigations

- Psychological Abuse

- Ridiculing, demeaning, making derogatory remarks, cursing or threatening to inflict physical or emotional harm, etc.

- ~~Inadequate Self Care/Self Neglect~~

- Excludes situations in which a mentally competent person, who understands the consequences of their decisions; makes a conscious and voluntary decision to engage in acts that threaten their health or safety as a matter of personal choice.



# APS Timeline

- Home Visits are unannounced
- Emergency reports - Same day
  - Physical Abuse
  - Some severe neglect
- All other referrals
  - Within five working days



# BASIC PRINCIPLES

- Client participation
- Remain at home or in the community
- Least restrictive/intrusive action
- Families and caregivers should help meet needs
- Legal action is last resort

# Referral Process

- The assigned APS Family Services Specialist make unannounced visit to interview the client.
- Family, friends, or professionals who are identified in referral and know about the adult's situation may be contacted.
- APS will work with the client and others (family, friends, volunteers, and professionals) to assist the adult and reduce the danger.

# Referral Process (cont.)

- If the adult victim is capable, he/she will be encouraged to make decisions regarding needed care or services. Whenever it is possible, APS will assist the adult in remaining in his/her home or community.

## **What APS Cannot Do:**

Force protective services upon a competent adult who refuses services

- Some adults may refuse help. Legally, services cannot be forced on an adult, except in special circumstances as specified in the law. Involuntary services always require a court order

# CONFIDENTIALITY

- Chapter 3912
- Disclosure
- Administration of adult protective services
- When identity of the recipient or recipients of such services is not revealed

# Confidentiality Violation

- Class A misdemeanor
- Superior Court has jurisdiction
- Removal or dismissal

# WHO HAS DUTY TO REPORT

- CHAPTER 3910
  - ANY PERSON HAVING REASONABLE CAUSE TO BELIEVE THAT AN ADULT PERSON IS IMPAIRED OR INCAPACITATED AND IN NEED OF PROTECTIVE SERVICES.



# How To Make an APS Report

- We are not open 24 hrs

[Link to DSAAPD website](#)

**New Castle County**  
DSAAPD Aging & Disabilities Resource Center  
University Office Plaza  
256 Chapman Rd - Suite 200  
Newark, DE 19702  
(800) 223-9074 - fax (302) 391-3501

**Kent/Sussex Counties**  
Milford State Service Center  
18 N. Walnut St., First Floor  
Milford, DE 19963  
(800) 223-9074 - fax (302) 422-1346





# QUESTIONS?

